



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

March 24, 2008

Reply To: RA-140

Lisa Evans
Earth Justice
21 Ocean Avenue
Marblehead, MA 01945

Re: Southeast Idaho Phosphate Mines

Dear Ms. Evans:

Thank you for your letters of March 3rd and March 9th 2008, concerning several phosphate mines located in southeast Idaho. Your first letter asks for an update on an earlier request that the U.S. Environmental Protection Agency (EPA) conduct Preliminary Assessments (PAs) and Hazard Ranking System (HRS) evaluations of several Southeast Idaho phosphate mine sites. Your March 9th letter requests that EPA conduct a hazard ranking for the Henry, Ballard, and Enoch Valley Mines. Previously, in May 2007, the EPA received the following letters from Earth Justice on behalf of the Greater Yellowstone Coalition (GYC):

- Four separate official petitions – each dated May 16, 2007 – requesting EPA assessment at the following sites: Conda Mine, Dry Valley Mine, Georgetown Mine, and Lanes Creek Mine; and,
- One letter – dated May 17, 2007 – highlighting the lack of progress at eight additional sites included in the “Orphan Mine Site Preliminary Assessment Report” (April 2004) developed by the Idaho Department of Environmental Quality (IDEQ), the Idaho Department of Lands (IDL), the United States Bureau of Land Management (BLM) and the United States Forest Service (USFS). The eight sites noted in the May 17th letter are: Diamond Gulch Mine, Georgetown Canyon Mine (right fork), Waterloo Mine, Bennington Canyon Mine, and Hot Springs Mine.

From my written response to these letters in July 2007, and from recent conversations you have had with Elizabeth McKenna, EPA attorney for the SE Idaho Selenium sites, and Ken Marcy, lead Site Assessment Manager and National Priorities List Coordinator for Region 10, you should be aware that EPA Region 10 is in the process of completing the following actions in response to your original requests:

- Formal Preliminary Assessments (PA) for the Conda Mine, Dry Valley Mine, Georgetown Mine, and Lanes Creek Mine. EPA Region 10 has initiated desk top reviews of all the available information for these sites and will generate formal PA documents for each of these sites by early May 2008. As part of the PA process, EPA

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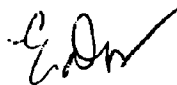
Region 10 will also be conducting a HRS evaluation for each of these sites, and will be developing recommendations for further assessment should it be warranted. All of these sites will also be entered into the CERCLIS database for further tracking.

- EPA Region 10 has initiated HRS evaluations for all eight "orphan sites" included in your original letter of May 2007.¹ The HRS evaluations will be based upon the original Orphan Mine Site Preliminary Assessment Report (April 2004). You are in possession of recent, separate PAs for each of these sites and of relevant information available from area-wide reports that have been generated by IDEQ. It is expected that these evaluations will be completed in June 2008.
- EPA Region 10 is currently examining all of the SE Idaho Selenium sites that have significant or total federal ownership to determine which site should be listed on the Federal Facilities Docket. Sites that appear to be purely federally owned at this point include; South Maybe Canyon, North Maybe Canyon, Champ Mine, Diamond Gulch Mine, Mt. Fuel Mine and Rasmussen Ridge Mine. EPA Region 10 understands that PAs have been completed for these sites, and is awaiting receipt of these PAs from the Forest Service. EPA will initiate the process for placing these sites on the Federal Facilities Docket and into CERCLIS, and will conduct HRS evaluations for each of these sites once the PA documents have been received. We are still evaluating the nature of federal ownership relative to site sources and previous or ongoing mine workings for the Gay Mine, Wooley Valley Mine, Dry Valley Mine, and Georgetown Canyon Mine. As you are aware, mixed ownership sites can be exempt from the Federal Facility Docket listing requirements. As such, these sites may or may not be listed on the Federal Facilities Docket. Regardless, HRS evaluations will be conducted for all of these sites. It is expected that the HRS evaluations for federally owned sites and mixed ownership sites will also be completed in early summer 2007, but this may depend on the summer field sampling work load. Ken Marcy will keep you apprised on the progress of these evaluations.

Finally, EPA is considering your March 9th request to conduct hazard ranking evaluations for three additional phosphate mines. We are evaluating the resources associated with this request and will keep you informed of our decision.

I hope that the above provides you with more clarification concerning the actions EPA Region 10 is undertaking in response to your requests. If you have further questions, please feel free to contact Ken Marcy at (206) 463-1349.

Sincerely,



Elin D. Miller
Regional Administrator

¹ Note that, while DEQ has called these sites "orphan sites," they may not meet EPA's requirements for classification by EPA as orphan sites. We have not conducted an analysis of ownership at these sites to determine whether they are "orphan" sites for our purposes.